

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

TIMOTHY A. HALE,

Plaintiff

vs.

TROOPER MARK A. SCHMELZLEN;  
SHEILA LEMLEY,

Defendants

Civil Action No. 04-1438

Judge Arthur J. Schwab/

Magistrate Judge Amy Reynolds Hay

Re: Docs. #23 & 27

**ORDER**

AND NOW, this 2<sup>nd</sup> day of Sept., 2005, after the plaintiff,

Timothy A. Hale, filed an action in the above-captioned case, and after the defendants filed motions to dismiss, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and plaintiff having filed objections with a brief in support and defendant Sheila Lemley having filed a response to plaintiff's objections, and upon independent review of the motions and the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS ORDERED that the Motions to Dismiss filed by Defendant Lemley and Defendant Schmelzlen are granted;

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the plaintiff desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.

  
ARTHUR J. SCHWAB  
United States District Judge

cc: Honorable Amy Reynolds Hay  
United States Magistrate Judge

Timothy A. Hale  
FR-0255  
SCI Rockview  
Box A  
Bellefonte, PA 16823

Craig E. Maravich  
Office of the Attorney General  
564 Forbes Avenue  
6th Floor, Manor Complex  
Pittsburgh, PA 15219

Douglas R. Nolin, Esquire  
Frank G. Adams, Esquire  
Andrew S. Chumney, Esquire  
Peacock Keller & Ecker  
70 East Beau Street  
Washington, PA 15301